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Attorney for Debtors Robert Louis Brooks

And Diane Carmen Brooks

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA

In re:

Chapter 13  
Case No. 11-51864 MEH

Robert Louis Brooks & Diane Carmen Brooks,  
Husband and Wife,

Debtors

/

MOTION TO MODIFY CHAPTER 13 PLAN

The Debtors, Robert Louis Brooks and Diane Carmen Brooks, respectfully request that the Court modify the Chapter 13 plan as follows:

- 1. With respect to the monthly plan payments of \$ \_\_\_\_\_, those payments shall:  
— be suspended for the months of \_\_\_\_\_  
— be increased to \$ \_\_\_\_\_, effective \_\_\_\_\_  
— be decreased to \$ \_\_\_\_\_, effective \_\_\_\_\_  
— [other]
- 2. With regard to secured claims:  
— to treat the claim(s) of additional creditors as secured, as follows:  

| <u>Creditor Name</u> | <u>Value of Collateral</u> | <u>Monthly Pmt (if fixed)</u> | <u>Interest Rate (must be specified)</u> |
|----------------------|----------------------------|-------------------------------|--|
|----------------------|----------------------------|-------------------------------|--|

  
— to change the treatment of certain secured claims, as follows:  

| <u>Creditor Name</u> | <u>Value of Collateral</u> | <u>Monthly Pmt (if fixed)</u> | <u>Interest Rate (must be specified)</u> |
|----------------------|----------------------------|-------------------------------|--|
|----------------------|----------------------------|-------------------------------|--|

  
— to treat as unsecured, the claims of the following creditors which were previously treated as secured.
- 3. With regard to general unsecured claims, to change the dividend paid:  
— from \_\_\_\_\_ % to \_\_\_\_\_ %  
— from a pot plan\* of \$ \_\_\_\_\_ to a pot plan\* of \$ \_\_\_\_\_  
— from a percentage plan at \_\_\_\_\_ % to a pot plan\* of \$ \_\_\_\_\_  
— from a pot plan\* of \$ \_\_\_\_\_ to a percentage plan at \_\_\_\_\_ %

\* A pot plan provides for a sum (as specified above) to be distributed pro rata, in amounts determined after allowed administrative, secured and priority unsecured claims are paid. The plan payments will continue at the highest monthly payment provided in the confirmed plan, as it may have been modified, as necessary to pay all allowed administrative, secured and priority unsecured claims within sixty (60) months of the original date of confirmation.

XXX 4. Other modifications:

Paragraph 6 of the Plan currently provides that: "Debtors elect to have property of the estate: XX vest in the debtors upon plan confirmation. Once property vests, the Debtors may sell or refinance real or personal property without further order of the court, upon approval of the Chapter 13 Trustee."

This provision shall be modified to select the other option under Paragraph 6, namely: "Debtors elect to have property of the estate: XX vest in the Debtors at such time as a discharge is granted or the case is dismissed".

5. Debtors' reason for requesting the above modification is: to proceed with the provisions of the plan calling for the Debtors to file a lien avoidance motion with respect to the second trust deed on their home. All other provisions of the Plan remain in full force and effect and are unchanged.

6. The plan, if modified, would be completed within sixty (60) months from commencement of the case.

WHEREFORE, the Debtors request that the Court modify the Chapter 13 plan as set forth above and for such other and further relief as is just and proper under the circumstances.

Dated: September 23, 2015

/s/ Henry G. Rendler  
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Robert Louis Brooks &  
Diane Carmen Brooks

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